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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/633,749
	Filing Date	August 4, 2003
	First Named Inventor	Ken Yamamoto
	Art Unit	3682
	Examiner Name	William C. Joyce
Total Number of Pages in This Submission	Attorney Docket Number	6340-000036

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	W. R. Duke Taylor	Reg. No.	31,306
Signature					
Date	April 13, 2006				

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	W. R. Duke Taylor	Express Mail Label No.	EV 853 856 057 US (4/13/2006)
Signature		Date	April 13, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EV 853 856 057 US



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/633,749  
Filing Date: August 4, 2003  
Applicants: Ken Yamamoto  
Group Art Unit: 3682  
Examiner: William C. Joyce  
Title: Bearing Apparatus for a Driving Wheel of Vehicle  
Attorney Docket: 6340-000036

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Election Restriction dated March 17, 2006, please consider the following.

The Examiner has restricted the application identifying six groups relating to various figures of Applicant's invention. The Examiner states that the disclosed species may be classified together but the diverging subject matter of each disclosed species is considered a serious burden on the Examiner.

However, this is not the criteria for a serious burden. MPEP 803 states "for purpose of initial requirement, a serious burden on the Examiner may be prima facie shown by appropriate explanation of separate classification, or separate status in the

art, or a different field of search" as defined in MPEP §808.02. Here, the Examiner has failed to show separate classification, separate status in the art for that a different field of search is required. In fact, the Examiner indicates that the species are classified together. Thus, the Examiner has failed to show a prima fascia case that a serious burden exists. By failing to show that a serious burden exists, the Examiner must examine all of the alleged species on the merits.

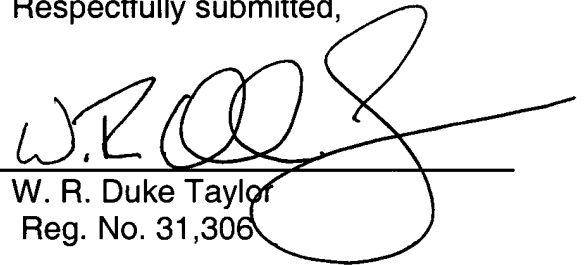
In the event that the Examiner disagrees with Applicant's position, Applicant elects Group 1 directed to Figures 1-4 which relate to Claims 1, 2, 3 and 9.

Should the Examiner have any additional questions or comments, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 13, 2006

By:

  
W. R. Duke Taylor  
Reg. No. 31,306

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